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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NEFTALI MONTERROSA, individually  
and as co-successor-in-interest to Decedent  
SEAN MONTERROSA; NORA  
MONTERROSA, individually and as co-  
successor-in-interest to Decedent SEAN  
MONTERROSA; MICHELLE  
MONTERROSA, individually; ASHLEY  
MONTERROSA, individually,

Plaintiffs,

v.

CITY OF VALLEJO, a municipal  
corporation; JARRETT TONN,  
individually, and Vallejo police officers  
DOES 1-25, inclusive,

Defendants.

Case No. 2:20-cv-01563-TLN-DB

**DECLARATION OF BEN NISENBAUM  
IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
MOTION FOR PROTECTIVE ORDER,  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION FOR  
CHANGE OF VENUE, AND  
PLAINTIFFS' MOTION FOR  
SANCTIONS**

I, Ben Nisenbaum declare:

1. I am over 18 years old and I am an attorney, who is licensed to practice law in California and before this Court. I represent the named Plaintiffs in the above-referenced action.
2. The facts set forth in this declaration are personally known to me. If called as a witness, I could and would competently testify as follows:

3. On June 2, 2020, Vallejo Police Department held a press conference. KPIX CBS San Francisco Bay Area News posted a recording of that press conference on YouTube at the following link: <https://www.youtube.com/watch?v=IJLMmxMh11s>. A true and correct copy of that recording is attached hereto as Exhibit 1.
4. Vallejo Police Officers Association (VPOA) posted a press release on June 5, 2020 at <https://www.vallejopoa.org/news/vallejo-police-officers-association-responds-to-officer-involved-shooting/?id=d5941704-f982-4efc-91b3-f31ad3dd7db3> A true and correct copy of the press release is attached hereto as Exhibit 2.
5. Defendant CITY posted a press release on July 8, 2020 at <http://www.ci.vallejo.ca.us/common/pages/DisplayFile.aspx?itemId=16872323>. A true and correct copy of the press release is attached hereto as Exhibit 3.
6. On July 8, 2020, Vallejo Police Department held a press conference. KTVU News posted a recording of that press conference on YouTube at the following link: <https://www.youtube.com/watch?v=tNTs5-A2yS4&t=129s>. A true and correct copy of that recording is attached hereto as Exhibit 4.
7. On July 8, 2020, released a video to the press containing body cam footage of the incident. KPIX CBS San Francisco Bay Area News posted a recording of that press conference on YouTube at the following link: <https://www.youtube.com/watch?v=oytdWFMoBbE>. A true and correct copy of that video is attached hereto as Exhibit 5.
8. On June 5, 2020, Counsel for Plaintiffs, Melissa Nold, sent a request to preserve evidence to Defendants. A true and correct copy of the request is attached hereto as Exhibit 6.

